

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMILLA CLARK and ARWA AZIZ, on Behalf  
of Themselves and Others Similarly Situated, and  
TURNING POINT FOR WOMEN AND  
FAMILIES,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

Case No.: 18-cv-02334 (AT)(KHP)

**DECLARATION OF JASON STINEHART**  
**ON IMPLEMENTATION OF THE NOTICE PROGRAM AND ADMINISTRATION**

I, JASON STINEHART, being duly sworn, hereby declare as follows:

1. I am a Program Manager of Rust Consulting, Inc. (“Rust”), a nationally recognized notice and administration firm. Rust designs and implements notice and administration programs of all sizes and types, including consumer, antitrust, securities, insurance, healthcare, labor and employment, property, finance, telecom, and products liability class actions.
2. I have over 24 years of experience at Rust. Attached as Exhibit A is my C.V., which outlines my experience and qualifications.
3. I submit this declaration in connection with the above-captioned matter. This declaration describes the implementation of the Notice Program and administration of the settlement agreement in this case.
4. This declaration is based upon my personal knowledge and information provided by Class Counsel and Defense Counsel (“the Parties”), and my associates and staff.

5. Rust was engaged to provide notification and administration services in the above captioned case. Duties include: a) preparing, printing, and mailing of notice, letters, postcards, and Claim Forms; b) receiving and reviewing Claim Forms; c) tracking exclusions and objections; d) drafting and mailing Settlement Award checks; e) creating and maintaining a publicly available website; and f) other tasks as the Parties mutually agreed upon or the Court orders Rust to perform.

### **CAFA NOTICE**

6. On April 12, 2024, Rust Consulting caused to be mailed the Class Action Fairness Act (“CAFA”) Notice of Proposed Class Action Settlement for this matter. CAFA Notice was mailed to each of the 50 states, all territories, the District of Columbia, and the United States Attorney General. Related documents were posted to the website [cafanotices.com](http://cafanotices.com) for viewing and download. Attached as Exhibit B is the CAFA Notice.

### **NOTICE PROGRAM OVERVIEW**

7. The Court-approved Notice Program was designed to reach the greatest practicable number of Class Members and ensure that they will be exposed to, see, review, and understand the Notices.

8. To achieve this goal, a two-phased notification program was designed. The first phase informed Class Members about their rights under the Settlement and the claim deadline. The second phase reminded Class Members about the claims deadline.

9. The Notice Program was structured to meet the requirements to comply with Rule 23 of the Federal Rules of Civil Procedure.

10. The Notice Program also included Notices that were noticeable, clear, concise, and written in plain, easily understood language.

11. The Notice Program set forth in the Settlement Agreement and approved by the Court was implemented and achieved each of the planned objectives.

## NOTICE COMPONENTS

### *Individual Notice*

12. In developing the Notice Program, it was determined that a list of identifiable Class Member mailing addresses and email addresses could be compiled to effectuate direct notice.

13. Rust created a Class Member database (“Class List”) using the last known address and email address information (where available) provided by the City of New York. The Class List contained data for 3,661 Class Members.

14. Prior to mailing, Rust carried out research to determine the best address match for each potential Class Member using a batch trace through the third-party vendor TransUnion. All addresses were checked against the National Change of Address (“NCOA”) database, which is maintained by the United States Postal Service (“USPS”).

15. On May 29, 2024, Rust mailed a cover letter with a summary notice, claim form, prepaid return envelope (the “Claim Packet”) via first class mail to 3,661 Class Members. Attached as Exhibit C is the Claim Form and Summary Notice. The cover letter were also translated into English, Spanish, Arabic, and Punjabi. These materials informed Class Members of their legal rights and how they could participate in or opt-out of the Class.

16. Claim Packets that were returned as non-deliverable were re-mailed to any address indicated by the postal service in the case of an expired automatic forwarding order. Claim Packets returned as non-deliverable, but for which a new address is not indicated by the postal service, were logged in the database.

17. Halfway through the claims period, Rust performed enhanced “CLEAR” searches for 704 Class Members for whom Claim Packets were returned as non-deliverable. Claim Packets were re-mailed to those new addresses. These searches cost \$10 per search and totaled \$7,040.

18. As of October 7, 2024, 385 Claim Packets remain undelivered. Therefore, 89.5% of the mailed notices are assumed to be delivered.

#### **PUBLICATION NOTICE**

19. To supplement the direct notice, a paid media program, including newspaper advertising, was designed to reach Class Members who do not receive a Claim Packet via mail.

20. The Summary Notice appeared one time as a quarter-page ads in *The Jewish Press* with an estimated circulation of 96,000; *Desi Talk*, 14,000; *Weekly Bangalee*, 32,000; *Punjab Times*, 5,000; and *Urdu Times*, 57,000. Attached as Exhibit D is the notice that appeared as ads in these publications.

#### **CLAIMS REMINDER COMPONENTS (PHASE TWO)**

21. On September 4, 2024, Rust sent 3,331 mail Reminder Notices to Class Members with contact information who had received a notice but had not yet filed a claim (or submitted an exclusion request.). Between September 4, 2024 and September 26, 2024, Rust received 208 claims. The mailed Reminder Notice was in the form of a postcard with Plaintiffs’ Counsel’s (Emery Celli Brinckerhoff Abady Ward & Maazel) name as a header. Sending the mailed postcard with the firm name was intended to help show Class Members the information about the Settlement was coming directly from a trustworthy source, the law firm representing them in this matter. Attached as Exhibit E is the Reminder Notice.

#### **SETTLEMENT ADMINISTRATION COMPONENTS**

22. On May 29, 2024 Rust established a website at [www.headcoveringcase.com](http://www.headcoveringcase.com) to enable Class Members to obtain and download information about the Settlement and file a claim online. Exhibit F is the homepage of the website established for this Settlement. The website includes the Long Form Notice (in English, Spanish, Arabic, Bengali, Hebrew, Punjabi, and Urdu), the claim form, frequently asked questions, the Settlement Agreement, and other court documents from this action. As of October 7, 2024, the website has had 16,948 unique visitors.

23. On May 29, 2024 Rust established a toll-free phone number at 1-833-637-4794 to allow Class Members to call and request that a notice be mailed to them or to listen to answers to frequently asked questions. During set hours, the call center is staffed by live operators to respond to calls from Class Members in various languages using a pre-approved script. After hours, a toll-free interactive voice response system (“IVR”) is available. Callers are also able to request assistance with filing claims and leave messages for follow up calls. As of October 7, 2024, Rust received 1,599 calls to the toll-free number.

24. Rust established the mailing address, NYC Religious Headcovering Settlement, PO Box 2805, Faribault, MN 55021-8610, to receive Claim Forms; exclusions; objections; undeliverable mailed Claim Packets and postcards; and other communications regarding the Settlement.

25. Rust also established a dedicated e-mail inbox to allow Class Members to communicate any specific requests or questions.

26. Rust has received 560 Claim Forms.

a. As of October 7, 2024, 524 of the 560 Claim Forms Rust received have been validated and are confirmed as Class Members. These validated Claim Forms represent 628 instances where a religious head covering was removed for an NYPD photograph,

out of 3,922 total instances on the City's Class List. This represents 16% of the total instances. As of October 7, 2024, the current Claimant Total is calculated to be \$8,163,750.00.

b. As of October 7, 2024, 36 of the 560 Claim Forms Rust received are still being validated to determine whether or not they are Class Members and if the claims are valid.

c. Class Members who were on the Class List were provided a unique access code (or claimant ID number) in their Claim Packets to use when filing their Claim Form. This access code matches the Claim Form to their individual record. However, some individuals were not on the Class List and requested a Claim Form so that they could participate in the settlement. For these individuals, the Parties will confer and determine whether they are Class Members. These individuals are called self-identifying Class Members or "self-ids."

d. As of October 7, 2024, 188 self-ids have submitted a Claim Form. The Parties are still conferring regarding whether these individuals are part of the Settlement Class. Rust will provide a further update to the Court as to the status of these claim forms in advance of the October 29, 2024 Fairness Hearing.

e. Claim Forms that can be matched with a Class Member but contain incomplete or inconsistent information are considered "deficient." The individuals making the claim will be sent a letter, called a deficiency letter, that asks them to supply missing information or explain inconsistencies. Deficiencies include requests to change the Class Member name, insufficient proof of Class Member identity, or lack of signature.

f. The deadline to file a Claim Form online or postmark a claim form sent by mail

was September 26, 2024 (“Timely Claim Forms”). However, some Claim Forms are being submitted after September 26, 2024. Class Members are permitted to file late claims for up to 30 days, until October 28, 2024. Class Members who file late claims are being asked to explain the reason they are filing their claim late. On September 27, 2024, Rust added additional claim fields to the claim form online to allow claimants to indicate why their claim is being filed late.

g. Of the Claim Forms submitted, 75 Class Members submitted Claim Forms with incomplete or inconsistent information and were sent or will be sent a deficiency letter.

h. Some individuals submitted Claim Forms with names and dates of birth that are similar, but not an exact match, to Class Members on the Class List. The differences may be due to typographical errors in the record, name changes (for example, due to marriage), or another reason such as fraud. Rust and the Parties have been carefully evaluating name or dates of birth changes or change requests to determine if the claims are valid. Of the 560 Claim Forms received, 75 had name differences that needed to be evaluated. It was determined that 39 were the correct Class Member, and 36 still need to be evaluated.

27. Rust received 1 exclusion from Adama Bah.

28. Rust has not received any objections.

#### **PERFORMANCE AND EFFECTIVENESS OF NOTICE PROGRAM**

29. ***Objectives Were Met.*** The primary objective of the Notice Program was to effectively reach the greatest practicable number of Class Members with “noticeable” Notices of the current litigation and provide them with every reasonable opportunity to understand that their legal rights are affected.

30. *The Notice reached Class Members effectively.* The Notice Program, as implemented, reached at least 89.5% of Class Members. It is likely that a higher percentage of Class Members received Notice when taking into account the Settlement website, targeted publication notice, and outreach performed by Class Counsel which is not included in the calculated reach percentage.

31. *Notices were Designed to increase noticeability and comprehension.* The Court approved Notices were designed to get Class Members' attention by including a bold and informative headline. After the Notices caught the interest of the Class Members, it was critical that they could understand the content. All of the Notices were written in concise, plain language. No important or required information was missing or omitted.

32. The Short Form Notices (Cover Letter Summary) were worded with simple text to encourage readership and comprehension. The Short Form Notices directed readers to get more information via the website or toll-free number. The Short Form notice was also available in English, Spanish, Arabic, and Punjabi.

33. The Long Form Notice is available (in English, Spanish, Arabic, Bengali, Hebrew, Punjabi, and Urdu) via the website and the toll-free number. The Long Form Notices provided substantial information, including background on the issues in the case and specific instructions Class Members needed to follow to properly exercise their rights and background on the issues in the case. These notices communicated the required information. Attached as Exhibit G is the Long Form Notice in English.

#### **COSTS OF NOTICE PROGRAM AND ADMINISTRATION**



34. The total cost of the Notice Program and administration to date is \$96,155.36, and will not exceed \$105,000. The cost of the CLEAR trace referenced in Paragraph 17 is an additional cost and not part of the total here.

### **CONCLUSION**

35. The Notice Program was designed to reach the target audience using a methodology that is consistent with many nationwide court-approved class action notice programs. The Notice Program was consistent with standards employed by Rust in the notification programs designed to reach class members. The Notice Program is fully compliant with Rule 23 of the Federal Rules of Civil Procedure.

I declare that the foregoing is true and correct to the best of my knowledge. Executed in Minneapolis, Minnesota on the 10th day of October, 2024.

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Jason M. Stinehart